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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,877	02/09/2006	John Edward Hill	20912103855	2388
28886	7590	11/13/2006	EXAMINER	
CLARK HILL, P.C.			EVANS, GEOFFREY S	
500 WOODWARD AVENUE, SUITE 3500			ART UNIT	
DETROIT, MI 48226			PAPER NUMBER	

1725

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/567,877

Applicant(s)

HILL, JOHN EDWARD

Examiner

Geoffrey S. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
* Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20060313</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claim 1 is objected to because there is no proper antecedent basis for "the at least one embossment".

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Takasago et al. in Japan Patent document No. 2001-162,387. Takasago et al. discloses providing coated sheets of metal (see paragraph 6), punching at least one embossment on at least one coated metal sheet, the embossment comprising a depression having a raised peripheral edge (element 15, see figure 2) and applying a laser beam (element 20), wherein the gases produced during the forming of the weld escape via the at least one embossment.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Gu in WO 99/08829, published February 1999. Gu discloses welding two coated sheets of metal (10,12), creating a raised region (a protuberance) on one of the coated sheets, and applying a laser beam forming a laser weld wherein gases produced during the forming of the laser weld escape via the at least one embossment.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gu in WO 99/08829 in view of Dell Piane et al. in U.S. Patent No. 4,682,002 and McCane et al. in U.S. Patent No. 6,592,947 or Ishii et al. in Japan Patent No. 4-4,145. Gu does not disclose applying fine particles on a sheet but instead uses a laser beam to create "protuberances". Dell Piane et al. teach that the only way of obtaining a "clean" weld between two metal sheets protected by using low vaporizing temperature materials is to provide between the metal sheets, in any way possible, a passage enabling the weld area to communicate externally, where "externally" is intended to mean any space enabling safe expansion of the said vaporizing gas (see column 4, lines 47-53). McCane et al. teach coating with zinc particles a galvanized sheet of metal to create an uneven surface. Alternatively Ishii et al. teach coating with zinc particles to create voids between two plated stainless steel sheets. It would have been obvious to adapt Gu in view of Dell Piane et al. and McCane et al. or Ishii et al. to apply zinc particles to the surface instead of using the laser beam by the method disclosed in Gu so that less energy is needed to create the voids between the two sheets.


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Saito et al. in Japan Patent No. 60-255,294 discloses creating a projection (element 16, see figures 2 and 4) to allow the gases to escape during welding.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (571)-272-1174. The examiner has a flexible schedule but is generally available during morning hours in the Eastern Time zone.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on (571)-272-1292. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

GSE


Geoffrey S. Evans
Primary Examiner
Group 1700